

Senate Engrossed House Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-ninth Legislature
First Regular Session
2009

CHAPTER 173

HOUSE BILL 2627

AN ACT

AMENDING SECTIONS 16-246 AND 16-579, ARIZONA REVISED STATUTES, AS AMENDED BY 2004 PROPOSITION 200, SECTION 5; REPEALING SECTION 16-579, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2003, CHAPTER 260, SECTION 18; RELATING TO POLLING PLACE PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-246, Arizona Revised Statutes, is amended to
3 read:

4 16-246. Early balloting; satellite locations; additional
5 procedures

6 A. Within ninety days preceding the Saturday before the presidential
7 preference election and not later than 5:00 p.m. on the eleventh day
8 preceding the election, any elector who is eligible to vote in the
9 presidential preference election may make a verbal or signed, written request
10 for an official early ballot to the county recorder or other officer in
11 charge of elections for the county in which the elector is registered to
12 vote. If the request is verbal, the requesting elector shall provide the
13 date of birth and birthplace or other information that if compared to the
14 voter registration records for that elector would confirm the identity of the
15 elector.

16 B. Absent uniformed services voters or overseas voters who are
17 otherwise eligible to vote in the election may vote as prescribed by sections
18 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
19 prescribed by section 16-543.01 shall be a list of all candidates who have
20 qualified for the presidential preference ballot by the forty-sixth day
21 before the presidential preference election.

22 C. The county recorder or other officer in charge of elections may
23 establish on-site early voting locations at the office of the county recorder
24 or at other locations in the county deemed necessary or appropriate by the
25 recorder. Early voting shall begin within the time limits prescribed in
26 section 16-542 unless otherwise prescribed by this section.

27 D. The county recorder or other officer in charge of elections shall
28 send by nonforwardable mail that is marked with the statement required by the
29 postmaster to receive an address correction notification any early ballots
30 that are requested pursuant to subsections A and B of this section and shall
31 include a preaddressed envelope for the elector to return the completed
32 ballot.

33 E. The county recorder or other officer in charge of elections shall
34 provide to each election board an appropriate alphabetized list of voters who
35 have requested and have been sent an early ballot. Any person who is on that
36 list of voters and who was sent an early ballot shall not vote at the polling
37 place for that election precinct except as prescribed by section 16-579,
38 subsection ~~C~~ B.

39 F. The county recorder or other officer in charge of elections may
40 provide for any of the following in the same manner prescribed by law for
41 other elections:

42 1. Special election boards.

43 2. Emergency balloting for persons who experience an emergency after
44 5:00 p.m. on the Friday preceding the presidential preference election and

1 before 5:00 p.m. on the Monday immediately preceding the presidential
2 preference election.

3 G. Sections 16-550, 16-551 and 16-552 govern the use of early
4 balloting for the presidential preference election.

5 Sec. 2. Subject to the requirements of article IV, part 1, section 1,
6 Constitution of Arizona, section 16-579, Arizona Revised Statutes, as amended
7 by 2004 proposition 200, section 5, is amended to read:

8 16-579. Procedure for obtaining ballot by elector

9 A. Every qualified elector, before receiving his A ballot, shall
10 announce his THE ELECTOR'S name and place of residence in a clear, audible
11 tone of voice to the election official in charge of the signature roster or
12 present his THE ELECTOR'S name and residence in writing. and shall present
13 one form of identification that bears the name, address and photograph of the
14 elector or two different forms of identification that bear the name and
15 address of the elector. If the name is found upon the precinct register by
16 the election officer having charge thereof, or the qualified elector presents
17 a certificate from the county recorder showing that he is entitled by law to
18 vote in the precinct, The election official in charge of the signature
19 roster shall repeat the name COMPLY WITH THE FOLLOWING and the qualified
20 elector shall be allowed within the voting area:

21 1. THE ELECTOR SHALL PRESENT ANY OF THE FOLLOWING:

22 (a) A VALID FORM OF IDENTIFICATION THAT BEARS THE PHOTOGRAPH, NAME AND
23 ADDRESS OF THE ELECTOR THAT REASONABLY APPEARS TO BE THE SAME AS THE NAME AND
24 ADDRESS IN THE PRECINCT REGISTER, INCLUDING AN ARIZONA DRIVER LICENSE, AN
25 ARIZONA NONOPERATING IDENTIFICATION LICENSE, A TRIBAL ENROLLMENT CARD OR
26 OTHER FORM OF TRIBAL IDENTIFICATION OR A UNITED STATES FEDERAL, STATE OR
27 LOCAL GOVERNMENT ISSUED IDENTIFICATION. IDENTIFICATION IS DEEMED VALID
28 UNLESS IT CAN BE DETERMINED ON ITS FACE THAT IT HAS EXPIRED.

29 (b) TWO DIFFERENT ITEMS THAT CONTAIN THE NAME AND ADDRESS OF THE
30 ELECTOR THAT REASONABLY APPEARS TO BE THE SAME AS THE NAME AND ADDRESS IN THE
31 PRECINCT REGISTER, INCLUDING A UTILITY BILL, A BANK OR CREDIT UNION STATEMENT
32 THAT IS DATED WITHIN NINETY DAYS OF THE DATE OF THE ELECTION, A VALID ARIZONA
33 VEHICLE REGISTRATION, AN ARIZONA VEHICLE INSURANCE CARD, INDIAN CENSUS CARD,
34 TRIBAL ENROLLMENT CARD OR OTHER FORM OF TRIBAL IDENTIFICATION, A PROPERTY TAX
35 STATEMENT, A RECORDER'S CERTIFICATE, A VOTER REGISTRATION CARD, A VALID
36 UNITED STATES FEDERAL, STATE OR LOCAL GOVERNMENT ISSUED IDENTIFICATION OR ANY
37 MAILING THAT IS "OFFICIAL ELECTION MATERIAL". IDENTIFICATION IS DEEMED VALID
38 UNLESS IT CAN BE DETERMINED ON ITS FACE THAT IT HAS EXPIRED.

39 (c) A VALID FORM OF IDENTIFICATION THAT BEARS THE PHOTOGRAPH, NAME AND
40 ADDRESS OF THE ELECTOR EXCEPT THAT IF THE ADDRESS ON THE IDENTIFICATION DOES
41 NOT REASONABLY APPEAR TO BE THE SAME AS THE ADDRESS IN THE PRECINCT REGISTER
42 OR THE IDENTIFICATION IS A VALID UNITED STATES MILITARY IDENTIFICATION CARD
43 OR A VALID UNITED STATES PASSPORT AND DOES NOT BEAR AN ADDRESS, THE
44 IDENTIFICATION MUST BE ACCOMPANIED BY ONE OF THE ITEMS LISTED IN SUBDIVISION
45 (b) OF THIS PARAGRAPH.

1 2. IF THE ELECTOR DOES NOT PRESENT IDENTIFICATION THAT COMPLIES WITH
2 PARAGRAPH 1 OF THIS SUBSECTION, THE ELECTOR IS ONLY ELIGIBLE TO VOTE A
3 PROVISIONAL BALLOT AS PRESCRIBED BY SECTION 16-584 OR A CONDITIONAL
4 PROVISIONAL BALLOT AS PROVIDED FOR IN THE SECRETARY OF STATE'S INSTRUCTION
5 AND PROCEDURES MANUAL ADOPTED PURSUANT TO SECTION 16-452.

6 B. Any qualified elector who is listed as having applied for an early
7 ballot but who states that ~~he~~ THE ELECTOR has not voted and will not vote an
8 early ballot for this election or surrenders the early ballot to the precinct
9 inspector on election day shall be allowed to vote pursuant to the procedure
10 set forth in section 16-584.

11 C. Each qualified elector's name shall be numbered consecutively by
12 the clerks, with the number ~~upon~~ ON the stub of the ballot delivered to ~~him~~
13 THE ELECTOR, and in the order of applications for ballots. The election
14 judge having charge of the ballots shall also write ~~his~~ THE ELECTOR'S
15 initials ~~upon~~ ON the stub and the number of the qualified elector as it
16 appears ~~upon~~ ON the precinct register. The judge shall give the qualified
17 elector only one ballot, and ~~his~~ THE ELECTOR'S name shall be immediately
18 checked on the precinct register.

19 D. Each qualified elector shall sign ~~his~~ THE ELECTOR'S name in the
20 signature roster prior to receiving ~~his~~ A ballot, but an inspector or judge
21 may sign the roster for an elector who is unable to sign because of physical
22 disability, and in that event the name of the elector shall be written with
23 red ink, and no attestation or other proof shall be necessary. The
24 provisions of this subsection relating to signing the signature roster shall
25 not apply to electors casting a ballot using early voting procedures.

26 E. A person offering to vote at a special district election for which
27 no special district register has been supplied shall sign an affidavit
28 stating ~~his~~ THE PERSON'S address and that ~~he~~ THE PERSON resides within the
29 district boundaries or proposed district boundaries and swearing that ~~he~~ THE
30 PERSON is a qualified elector and has not already voted at the election being
31 held.

32 Sec. 3. Repeal

33 Section 16-579, Arizona Revised Statutes, as amended by Laws 2003,
34 chapter 260, section 18, is repealed.

35 Sec. 4. Requirements for enactment: three-fourths vote

36 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
37 this act is effective only on the affirmative vote of at least three-fourths
38 of the members of each house of the legislature.

39 Sec. 5. Emergency

40 This act is an emergency measure that is necessary to preserve the
41 public peace, health or safety and is operative immediately as provided by
42 law.

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.